

Daniel Feder (State Bar No. 130867)

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Attorneys for Plaintiff Ann Otsuka

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANN OTSUKA, an individual; JANIS	)	Case No.: C-07-02780 SI
KEEFE, an individual; CORINNE PHIPPS, an)	
individual; and JUSTIN KISER, an individual;	)	DECLARATION OF PLAINTIFF ANN
and on behalf of all others similarly situated,	)	OTSUKA IN CONDITIONAL
	)	NONOPPOSITION TO PLAINTIFFS
Plaintiffs,	)	JANIS KEEFE, CORINNE PHIPPS, AND
v.	)	JUSTIN KISER'S MOTION TO BE
POLO RALPH LAUREN CORPORATION; a)	)	RELIEVED AS COUNSEL
Delaware Corporation; POLO RETAIL, LLC.,))	
a Delaware Corporation; POLO RALPH	)	Date: September 21, 2007
LAUREN CORPORATION, a Delaware	)	Time: 9:00 a.m.
Corporation, doing business in California as	)	Judge: Hon. Susan Illston
POLO RETAIL CORP; FASHIONS OUTLET)	)	Location: Courtroom 10, 19th Floor
OF AMERICA, INC., a Delaware Corporation)	)	450 Golden Gate Avenue
and DOES 1-500, inclusive,	)	San Francisco, California 94102
)	
Defendants.)	

I, ANN OTSUKA, declare as follows:

1. I have personal knowledge of the following facts and would testify truthfully to these matters if called as a witness:
2. I am a Plaintiff in this action.
3. I am a resident of the City of Mountain View in the County of Santa Clara, California.

1 4. In December 2006 (or January 2007), the day before my deposition was to be
2 taken, I called Patrick Kitchin and spoke with him on the phone. Mr. Kitchin informed me
3 that my deposition had been cancelled and would be rescheduled. Mr. Kitchin told me that he
4 would contact me as soon as he learned the new date. I never heard back from Mr. Kitchin.

5 5. I have been resident at 230 Bush Street, Mountain View, California for the past
6 two years.

7 6. I received a letter from Mr. Kitchin's office in December 2006 asking me to
8 provide answers to interrogatories. I prepared draft answers and forwarded these to Mr.
9 Kitchin by mail.
10

11 7. Approximately a month after my conversation with Mr. Kitchin, I called Mr.
12 Kitchin's office. I spoke with a person who informed me that Mr. Kitchin was not available.
13 Afterwards, I called Mr. Kitchin's office one or more times, but was not able to reach Mr.
14 Kitchin.

15 8. Between December 1, 2006 and July 24, 2007, I sent Mr. Kitchin more than
16 one email requesting information about my case. I sent my last email to Mr. Kitchin in
17 approximately May or June 2007. I never received a response.

18 9. In July 2007, I received an email from Daniel L. Feder requesting that I contact
19 him as soon as possible. I contacted Mr. Feder immediately.
20

21 10. I never received a letter from Mr. Kitchin's office by Federal Express in
22 December 2006. I never received a letter from Mr. Kitchin's office by Federal Express in
23 January 2007. I never received a voicemail from Mr. Kitchin in April 2007. My voicemail
24 does not identify "Ann."
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1 12. I did not receive a Substitution of Attorney-Civil form from Mr. Kitchin in
2 April 2007. I did not receive a motion to be relieved as counsel from Mr. Kitchin's office in
3 April 2007.

4 13. I remain committed to this case and to my original intention, which was to see
5 justice done for myself and similarly situated employees. Mr. Feder continues to be my legal
6 representative in this action. I request that the Court deny Plaintiffs JANIS KEEFE,
7 CORINNE PHIPPS, and JUSTIN KISER's motion to have Mr. Feder relieved as my counsel.

8 14. Due to Mr. Kitchin's actions, I have lost confidence in his ability and/or
9 willingness to represent me as counsel. On July 24, 2007, I terminated Mr. Kitchin's
10 representation of me as legal counsel and requested that he return my files. I request that the
11 Court grant Plaintiffs JANIS KEEFE, CORINNE PHIPPS, and JUSTIN KISER's motion to
12 have Mr. Kitchin relieved as my counsel.

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct. Executed on August 30, 2007 at MOUNTAIN VIEW,
15 California.
16
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19 
20 Ann Otsuka